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F — / tome (1942) Department.

M: SERIES.

P-146

G.O. No. 1792

Dated 18- 5- 1942

M

[Despatch Abstract.]

Basavanna Gowd, Sri G., acting clerk in the Central Jail, Bellary
Request for transfer to another department - Negatived

C.F. 33.

Jail Department

From (Name) Major G.S.Gill, O.B.E., I.M.S.,
Designation Inspr.-Genl.of Prisons,
Station Madras.

ASSISTANT SECRETARY TO GOVERNMENT
23 MAR 1942
HOME DEPARTMENT

Received Registered 1641/1 C
23.3.42

To

The Secretary to the Government,
Home Department,
Madras.

Enclosures:

Roc.No. 754/B2/42 dated 20th March 1942.

Sir,

Basavana Gowd Sri G., acting clerk - Central Jail,Bellary - Petition to Government - Forwarded.

Ref: G.O.No.Ms.5281,Home Department, dated 5-10-1939.

I forward, herewith, a petition received from acting clerk, Sri G.Basavana Gowd of the Central Jail,Bellary, for favour of orders.

The petitioner is a Services Commission candidate allotted to the Jail Department in the Bellary District with reference to G.O.No.2026, Public (Services), dated 21-12-38. He was first entertained in the Central Jail,Bellary, on 16-11-1938 Afternoon and his services were terminated with effect from 2-4-1939 for want of a vacancy. Again on 8-5-1939, he was entertained as an acting clerk in the same jail and his services were terminated on 20-5-1939 for want of a vacancy. From 6-4-1940 Afternoon he is continuously in service as acting clerk in the same jail. With reference to rule 12(e) of the Madras Ministerial Service Rules, as amended in G.O.No.1148, Public (Services), dated 11-7-1939 and G.O.No.2194, Public (Services), dated 7-11-1940, the petitioner has to pass the Account Test for Subordinate Officers, Part I, within a period of two years service in this department, failing which his probation will have to be terminated. The petitioner states that he twice appeared for the said test but did not get through. He completed two years of service in the Central Jail,Bellary, on 5-11-1941.

I have no objection to his transfer to the Revenue Department as prayed for by him. His previous petition for transfer of service from the Jail to another department was refused in G.O.No.Ms.5281, Home Department, dated 5-10-1939.

His service book is also enclosed for favour of return when done with. The Superintendent is being asked what action he has taken to terminate the petitioner's probation, since he has not passed the Account Test and a further communication will follow.

Major,I.M.S.,
Inspector-General of Prisons.

Tss/21.3.

2

B 45629

From

G. Basavana Gowd,

Acting Clerk, Central Jail, Bellary.

To

The Secretary to the Government of Madras,

MADRAS.

Through

The Inspector-General of Prisons,

MADRAS.

and

The Superintendent,

Central Jail, BELLARY.

Sir,

I most humbly beg to submit the following facts for your kind consideration and favourable orders.

I was selected by the Madras Service Commission for a post in the Ministerial Service in the year 1937 and appointed as a clerk in the Revenue Department. I was posted to the Jail Department as an acting clerk in the Central Jail, Bellary and joined duty on 16-11-1938 in a leave vacancy. I worked satisfa-ctorily till 3-4-1939 and was ousted for want of a vacancy.

The Inspector-General of Prisons, ordered in his No.L.Dis. 908/39, dated 5-4-1939 that I may be posted to some other depart-ments than jail department as I know only Kanarese. Accordingly I applied to the Collector of Bellary for a post in any other department. but he ordered in his endorsement No.X.N.Dis. dated 26-5-1939 that my request cannot be complied with according to G.O. No.2026, dated 21-12-1938, as I worked on 1-1-1939 in the Jail Department, and also stated that I am permanently allotted to the Jail Department. Then as ordered by the Inspector-General of Prisons, in his No.19/B-2/40, dated 20-3-1940 I joined duty in Central Jail, Bellary on 7-4-1940.

From that date till now I have been working to the entire satisfaction of my superior officers. I was aware only last year of G.O.No.1148, dated 11-7-1939 ordering that the Probationers should pass the account test within the time of their probation period, otherwise they will be discharged from service. In this connection I beg to submit that in some departments it is compulsory to pass the test and in some not. I appeared for the account test in June 1941 and failed, again I appeared in

P.T.O.

in December 1941, again to my ill-luck I did not pass in the examination.

As I was appointed with effect from 7-4-1940, I will be completing my probation by the 1st week of April 1942 (i.e.7-4-'42) But as I did not pass in the Account Test, my services will be termi-nated on 7-4-1942.

It is also ordered in G.O.No.1148, dated 11-7-1939 (copy enclosed) that a probationer who is discharged for not passing the prescribed test SHALL NOT by reason only of his discharge from the service in a department, for failure to pass a test or undergo a training or acquire a qualification as required by the annexure be INELIGIBLE for re-appointment in any other department, in which such requirement is not prescribed for members of equal rank and status.

Again in G.O.No.2194, Public (Service) Department, dated 7-11-1940 (copy enclosed) it is ordered that the probationers who are discharged from service for failure to pass the test, are not in-eligible for reappointment in other departments in which such tests are not compulsory.

As per orders of the Government quoted above, I am eligible for re-appointment in any other departments in which tests are not compulsory.

Further, it is ordered in G.O.No.621. dated 26-3-1941, that candidates will be appointed BY TRANSFER from departments for certain reasons (copy enclosed)

"Item (5) Conversant with work of the office or department.

Item (6) Special consideration for being the son of a person who has rendered long and faithful service under the Govt.

According to the G.O. quoted above, I am quite conversant with the work of the Revenue Department for the following reasons:-

All my ancestors are the village reddies who worked faith-fully loyally under the government. As my father was ill-literate my uncle was looking after the duties, of the village reddi. My elder brother passed the ~~village~~ Village Munsif's Test in the year 1932, but at the time of his appointment as the village reddi, he sufferred with sore-eyes and became blind. I am the next younger of this reddi, I passed the S.S.L.C. examination in the year 1937

year 1937, and was selected by the Service Commission in the same year. As my elders were village reddies I also have got a liking to serve in the Revenue Department. I considered myself fortunate when I was appointed as a clerk in the Taluk Office, Harapana halli, which is my native taluk.

My ancestoral property consists 100 acres of land and eight bulls. My elder brother who is blind, has five children the eldest being 14 years of age. My parents are old and unable to work or look after the family affairs. Hence, the whole family burden has fallen upon me and my presence in the district is essential. This is another reason why I like to be employed in the Revenue Department, the work of which I am quite conversant with.

Lastly it may not be out of place to mention here sir, that I belong to a "Scheduled classes of Bariki" community in the Bellary district in which my community is hardly represented. I am the only educated members of the Bariki community who was fort-nate enough to get through the S.S.L.C. examination and to get selected by the Madras Service Commission.

Moreover, I have already worked as a clerk in the Revenue Department prior to my selection to the Jail department, Many of my juniors even though appointed subsequently are working as Revenue Inspectors drawing increments in pay.

Under the circumstances explained above, I humbly pray that the Government may be pleased to transfer me into the Revenue department before the completion of my probationary period in this jail department.

For which act of kindness I shall ever be grateful.

I beg to remain,

Sir,

Your most obedient servant.

O. Basavana Gowda

5-7-1942.

No.G/644 Dated 6-8-'42.

Forwarded to the Inspector-General of Prisons, Madras for favaourable consideration. In view of the fact that the clerk had worked previously in the Revenue Department and has a liking to work again, his petition may please be considered favourably.

Superintendent.
Central Jail, Bellary.

Central Jail,
BELLARY.

Extract from G.C. No.1148, dated 11th July 1939.

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* * *

Account Test Part I to be passed within the period of probation.	Not to be passed.
Agricultural Department.	Forest Department.
Chincona -do-	Industries Department.
Board of Examiners.	Labour Department.
Education Department.	Medical Department.
Co-operation Department.	Police Department.
Electricity Department.	Registration Department.
Jail Department.	Revenue Department.
	Veterinary Department.

* * * * * *

"Provided further that such member shall not by reason only of his discharge from the service in a department under general rule 9 for failure to pass a test or undergo a training or acquire a qualification as required by the annexure by ineligible for reappointment in any other department in which such requirement is not prescribed for members of equal rank and status"

/True Copy/

6

Extract from G.O.No.2194, Public (Service) Depart.Dated 7-11-'40.

Sub:- Public Services - Madras Ministerial Service - Members discharge for failure to pass tests, undergo training etc., -Special Rules amended and position explained.

Read the following papers:-

G.O.No.1148, Public (Service) dated 11-7-1942.

Order:- No.2194, Public (Service) dated 7th November 1940.

Under the second proviso to rule 12(e) of the Madras Ministerial Service Rules, a member of the service who is diachsrg--ed from service for failure to pass a test or to undergo a training of acquire a qualification as required by Annexure III is not ineligible for members of earul rank and status. The Government consider that after the intruduction of the system of permanent allotment of candidates to department, there no justification for the application of the above proviso to candidate allotted to departments to which that system applied and have accodingly decided to make it inapplicable to such candidates. They have also decided to insert another proviso in the rule allowing the necessary permanently allotted to departments before the 7th November 1940. The rules will amended as in the annexure to this G.O.

The fact that the second proviso to rule 12(e) will not hereafter apply to candidates allotted to departments to which the system of permanent allotment applies will not however affect adversely persons who before the date of this ofer had been discharged from service for failure to pass the prescribed test, or undergo the prescribed ~~xxxx~~ training etc., such persons have a right to be reappointed in any other departments in which such requirement is not prescribed for members of equal rank and status. Their names should therefore be restored to the list of approved candidates for reallotment.

(By order of His Excellency the Governor)

Sd/ T. Austin,

Chief Secretary.

/True Copy/

7

A N N E X U R E.

Notification.

Amendment:-

In sub rule (e) of rule 12 of the said rules for the second proviso the following proviso shall be substituted, namely:-

"Provided further that

(1) a member who is not permanently allotted to any department shall not by reason only of his discharge from service in a department under general rule 9 for failure to pass a test or undergo a training or acquire a qualification as required by the anne-xure, be ineligible for reappointment in any other department in which such requirement is not prescrived for members of equal rank and status. and

(2) a member who, before the 7th November 1940 had been regarded as permanently allotted to any department under rule (e) of rule 4 shall, if he has not already passed test or undergo the training or acquire the qualification prescribed for him, be allowed for the acquiring the said qualification a period equal to the prescribed period of probation commencing from the said date. But he shall not be deemed to have satisfactorily completed the prescribed period of probation and shall not be entitled to appointment as full member of the service for be eligible for increments in the time scale of pay applicable to him unless and until he has passed the said said test or undergone the said training or acquired the qualification, as the case may be. Such ineligibility shall not have the effect of postponing future incre-ments after he has passed the said test or undergone the said training or acquired the said qualification. If he fails to pass the said test or undergo the said training or acquire the said qualification within the time allowed herein and appointing authority shall forthwith, by order, terminate his probation and discharge his from the service.

Nothing in clause (2) shall be deemed to affect the ineligibility of a person who is a member on the 7th November 1940 and is discharged from service in a department for failure to pass a test or undergo a training or acquire a qualification as required by the annexure for reappointment in any other department in which such requiredment is not prescrived for members a equal rank and stus

8/

Extract from G.O. No.621, Public (Service) Dept. dated 26-2-1941.

Under the proviso to rule 2 of the Madras Ministerial Service Rules appointment to the service may for special reasons be made by transfer. In the absence of an indication in the rule or elsewhere as to what constitute "Special reasons" each appointing authority is left to interpret the term in his own way and make appointments by transfer. In order to prevent the abuse of the rele, His Excellency the Governor of Madras directs that the following be regardid as typical instances of "specia reasons" which would justfy the making of appointments by transfer.

* * * * *

Item (5) Consersance with the work of the office or department and the need for person possessing previous experience of the work of that office or department.

Item (6) Special consideration for being the son of a person who has rendered long and faithful service under the Govt.

/True Copy/

C.F. 32 (a).

JAIL Department

From (Name) Major G.S.Gill, O.B.E., I.M.S.,

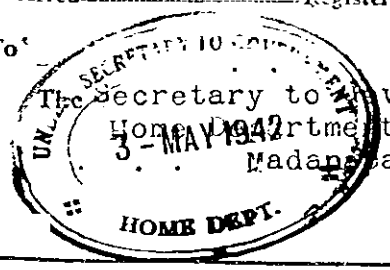
Designation Inspr. Genl. of Prisons,

Station ~~Madras~~ Coimbatore.

Received ..... Registered .....

To

The Secretary to Government,
Home Department,
Madanapalle



Enclosures:

No. Roc.754-B2-42 dated 30th April 1942.

Sir,

Subject: Basavara Gowd Sri G. Acting Clerk - Central Jail, Bellary - Petition to Government for transfer to the Revenue Department

Reference: My letter No.754-B2-42, dated 20th March 1942.

In continuation of my letter quoted above, I have the honour to state that the acting clerk referred to is reported to have appeared for the Account Test Examination in June 1941, but failed to get through. He again appeared for the examination in December 1941 and in that examination also he failed. The acting clerk is reported to have been warned orally that his probation is liable to termination if he failed to pass the examination held in June 1942. But his probation was not terminated by the Superintendent on 5-11-41. He permitted him to continue and pass the test within two years from 7-11-40 with reference to G.O.No.2194, Public Service, dated 7-11-40

Major, I.M.S.,
for Inspector General of Prisons.

S.B/5

10.

6/1895 Jus 19/5

Home Department.

Subject:

Basavanna Gowd, Sri G:, acting clerk in the C.J., Bellary- Request for transfer to another dept.- Negatived.

Read again: G.O.No.5281 Home, dated 5-10-1939.

Read also: From the I.G. of Prisons, Roc.No.754/B2/42, d/20-3-42.
" " No.754/B2/42, d/30-4-42.

ORDER MS. No. 1792 dated 18/5/1942

~~The Govt. are not prepared to comply with the request of the petitioner that he should be transferred to the Revenue dept. now.~~ - Under GO 2194 Pub d 7.11.40 his until 7.11.42 time The petitioner ~~is entitled to time~~ to pass Part I of the Account Test for Subordinate Officers ~~till 7-11-42.~~ In case he fails to pass the test within the time allowed, he will be eligible for re-appointment in any other dept. in which the passing of a test within the period of probation is not necessary.

11/5

Approved and passed 7/5/42 Pon 9.5.42

To the I.G. of Prisons(with Ser. book).

refused to comply with it,

~~requires~~ Please see G.O.No.5281,Home, dated 5-10-39 and the notes leading to that order.

5. Under the proviso to rule 2 of the Ministerial Service Rules, appointment to the service ~~by transfer~~ may for special reasons be made by transfer. Typical instances of 'special reasons' which would justify the making of appointments by transfer are given in G.O.No. 621 Pub.(Ser.),d/26-3-41. Such transfers may be made with the mutual consent of the appointing authorities of the dept.s concerned. In the case of probationers and approved probationers, the Commission will have to be consulted. It is open to the petitioner to move the Collr. of Bellary to take ~~to~~ him to the Rev. dept.

Submitted for orders whether the ~~request at A on p4 cf~~ ~~petition passed in G.O.No.5281 Home, dated 5-10-39 will be reconsidered. Public may see for~~ ~~compliance~~ will be complied with. When the previously asked for a transfer to another dept in 1939, it was for want of a vacancy in A on p5 cf. In the last dept. the reasons now given are different, and one of them is that he is expecting termination of probation because he has not passed an Account Test in Sub-Ordn. The remarks of Pub.(Ser.) may be invited.

There are no special reasons to justify such special treatment. In any case it will soon be too late to do anything. His probation will have to be terminated on 6/4/42 for failure to pass the Account Test. A/7/4

Will Pub.(Service) kindly advise? We can hardly reject B 9.4.42 failure to pass a test at a late stage. Special reasons for this purpose

ASSISTANT SECRETARY TO GOVT. 8 - APR 1942 CHIEF SECRETARIAT

8/4/42

Home Department.

Basavanna Gowd, Sri G., acting clerk in the C.J.,Bellary- Request for appointment in the Revenue dept.

From the I.G. of Prisons, Roc.No.754/B2/42,dated 20-3-42.

Please see the petition on pp.2-4 c.f. from Sri G.Basavana Gowd, clerk, C.J.,Bellary, and the remarks of the I.G. of Prison on p.1 c.f. The petitioner's request is that he may be transferred to the Revenue Dept.

2. The petitioner was selected by the Public Service Commission in 1937 for appointment as clerk in the Madras Ministerial Service. He worked as clerk in the E.E.'s office (Bellary Dn.) and in the Revenue dept. from 7-2-38 to 18-8-38. On 16-11-38, he was appointed clerk in the C.J.,Bellary, and was ousted on 20-5-39 for want of a vacancy. He was again entertained in the jail on 6-4-40 and has been in service since then. The petitioner has been regarded as one permanently allotted to the Jail dept. with reference to G.O.No.2026 Public (Ser.),d/21-12-38.

3. Under rule 12(a) of the special rules for the Madras Ministerial Service, read with Annexure III to those rules, a clerk in the Jail dept. should pass the Acccunt Test for subordinate officers, Part I, within the prescribed period of probation. If a person has been appointed by transfer from another dept. to the Jail dept., he should be allowed for the purpose of passing the test a period of 2 years from the date of appointment to that dept. Failure to pass the test within the time allowed would involve termination of probation or discharge from service. A person so discharged will be eligible for reappointment in any other dept. in which such requirements are not prescribed for members of equal rank and status.

4. The petitioner who before 7-11-40 had been regarded as one permanently allotted to the Jail dept., was allowed 2 years' time to pass the Account Test. but he could not pass although he attempted twice. He now requests that for the reasons mentioned in his petition on pp.2-4 c.f., he may be transferred to the Revenue dept. where he will not be required to pass the Account Test. The I.G. has no objection to his transfer to the Rev.dept

In 1939, the petitioner made a similar request but the Govt

ASSISTANT SECRETARY TO GOVERNMENT 23 APR 1942 HOME DEPARTMENT

Public (Services) Department.

Please see the Home department's note at pp 1-2 ante.

(B) (S) p2

p2 ante

2 The proviso to rule 2 of the Madras Ministerial Service Rules and G.O. No. 621, Public(Ser) dated 26-3-1941 quoted in para 5 of the Home department's note ~~apply~~ refer to appointment to the Madras Ministerial Service by transfer from another subordinate service and not to transfer from one department to another within the Madras Ministerial Service which is what the petitioner asks for.

A, p4 CF

para 2 p1 CF date in clause (ii) & second proviso to rule 12(e) (W) p2

3 The petitioner was appointed as clerk in the Jail Department before 7-11-1940 and as that department is one to which the system of permanent allotment applies, he came under clause (ii) of the second proviso to rule 12 (e) of the Madras Ministerial Service Rules in force prior to 1-4-1942 (corresponding new rule is 36(e)). Under the proviso referred to above the petitioner is allowed time to pass the prescribed test, viz., Account Test for Subordinate Officers, Part I - which is equal to the prescribed period of probation (and commencing from 7.11.40.) In other words, the petitioner has time to pass the test till 7-11-1942. In case he fails to pass the test within the above time limit, he will be eligible for re-appointment in any other department in which the passing of a test (within the period of probation) is not necessary. In the circumstance there seems to be no case for granting the petitioner's request for transfer to another department now.

pt 276-277 & Rc. 49-A in C/o shroff

last sub para in rule 36(e) at p 277 of Rc 49-A

see the Home dept's note at A & B on p2 ante.

4 With the above remarks the file may be returned to the Home department.

20/4

Home

12:2C 4.5.42

Pub. Ser. a.o. 18684-1 28/4

(CRO 13081) From the I.G. of Prisons, Roc no. 754-B2-42 dy 30.4.42.

Please see the Public dept. note above

4

and the further reference from the I.G. of Prisons on p. 9 cf.

A draft to order informing the I.G. as advised by Public is submitted on p10 cf.

Ag
7.5.42
for 7/5/42

Q
7/11/5 5

It is observed that the I.G. was not made to deal two times last 7/11/42 and 9 and requisite list - draft is put up without this information.

(K 11/5

Please see A. on p 9 cf I.G. already known this.

A
13/5 5.

In case the rule No. 4 cited, as a mere matter of workmanship. Do so.

(K 11/5

Issue a amended

4/16/5